

Breed-Specific Legislation

Breed-specific legislation (BSL) is a term for legislation or policies that ban or otherwise restrict certain breeds of dog for the stated purpose of reducing dog bites and attacks. BSL might involve bans on owning or breeding certain dogs in certain places. It might involve banning certain breeds from being imported into particular countries. Some people might even include under the heading of BSL policies such as increased insurance premiums for owning certain breeds.¹ Among the breeds most frequently targeted by BSL are Pit Bulls, Rottweilers, Chow Chows, and Doberman Pinschers.²

Advocates of BSL point to the fact that over 75% of deadly dog attacks are committed by some of the breeds frequently targeted by BSL. Part of the issue, these advocates claim, is that many of these dogs were bred either for fighting or for protection and so they are both powerfully built and unpredictable, and thus potentially dangerous. One advocate for BSL compares it to car recalls. Suppose that we discover that a certain kind of car is disproportionately likely to malfunction and result in the death of the passengers. We would, of course, call for a recall, the immediate discontinuation of the production of such cars, and a ban on anyone still driving those cars. The same can be said for certain breeds of dog. If we discover that certain breeds of dog are disproportionately likely to attack people, then (the argument goes) we should call for the discontinuation of breeding that kind of dog and a ban on people owning that kind of dog.³

Opponents of BSL, in contrast, think the risk identified fails to justify the legislation. First, they point out that the dog attack statistics fail to represent the actual likelihood that any particular dog of any particular breed is likely to attack people. Although the statistics do indicate that Pit Bulls are involved in more dog attacks than other breeds, the reason might simply be that Pit Bulls are particularly common dogs in the areas in which the attacks occur, or are disproportionately trained as guard dogs.⁴ And even leaving the statistics aside, opponents argue that BSL is a form of morally problematic discrimination. Imagine what we should think, they suggest, were we to apply similar policies to human beings. Suppose we discover that members of certain racial or gender groups are statistically more likely to commit certain crimes. Would that mean that we should ban, quarantine, or otherwise place certain restrictions on members of those racial or gender groups? Such a proposal, opponents of BSL argue, would be morally abhorrent precisely because it failed to take account of the difference between the characteristics of groups and those of individuals, in effect blaming the latter for the former.

STUDY QUESTIONS

- (1) Is BSL morally permissible? If so, when? If not, why not?
- (2) If acts of discrimination are morally wrong when committed against human beings, are structurally similar acts of discrimination morally wrong when committed against animals?
- (3) Are some versions of BSL more morally acceptable than others? Which ones?

¹ <http://bslcensus.com/>, https://en.wikipedia.org/wiki/Breed-specific_legislation; <https://www.nerdwallet.com/blog/insurance/expert-faq-pit-bull-increase-homeowners-insurance-premium/>

² <https://www.asPCA.org/animal-cruelty/dog-fighting/what-breed-specific-legislation>

³ <https://dogbitelaw.com/breed-specific-laws/arguments-for-and-against-breed-specific-laws>

⁴ <https://web.archive.org/web/20150411211206/http://www.cdc.gov/homeandrecrationalafety/images/dogbreeds-a.pdf>

